

Jun 05, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JENNIFER R.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:17-CV-3179-JTR

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 18. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Leisa A. Wolf represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 18**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the administrative law judge (ALJ) shall hold a *de novo* hearing, update the medical records, and issue a new decision. The ALJ shall: (1) reevaluate Plaintiff's earnings during the closed period at issue, clarifying which

1 earnings represent earnings from employment and which earnings represent
2 income from private disability insurance; (2) reevaluate the medical opinions of
3 record and further develop the record, as needed; (3) reevaluate the severity of
4 Plaintiff's impairments, including obesity; (4) further evaluate Plaintiff's
5 symptoms; (5) further evaluate whether Plaintiff meets or equals a listing,
6 including Listing 1.02; (6) obtain evidence from a medical expert, as needed and
7 available; and (7) reevaluate Plaintiff's residual functional capacity and obtain
8 vocational evidence to reevaluate steps four and five of the sequential evaluation
9 process, obtaining supplemental vocational expert testimony, if necessary. The
10 ALJ may take any other actions necessary to develop the record, and Plaintiff may
11 submit additional evidence and present additional argument.

12 2. **Judgment shall be entered for PLAINTIFF.**

13 3. Plaintiff's Motion for Summary Judgment, **ECF No. 14**, is
14 **STRICKEN AS MOOT.**

15 4. An application for attorney fees may be filed by separate motion.

16 The District Court Executive is directed to enter this Order, forward copies
17 to counsel, and **CLOSE THE FILE.**

18 DATED June 5, 2018.

A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE